

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

JOHN F. HUTCHINS, Individually and On Behalf of All Others Similarly Situated,	X	Civil Action No. 2:10-cv-02159-LDW-WDW
	:	
	:	
Plaintiff,	:	<u>CLASS ACTION</u>
	:	
vs.	:	NOTICE OF MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT
	:	
NBTY, INC., et al.,	:	
	:	
Defendants.	:	
	X	

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

PLEASE TAKE NOTICE that Lead Plaintiff, John F. Hutchins, hereby moves the Court, before Honorable Leonard D. Wexler, United States District Judge for the Eastern District of New York, Long Island Federal Courthouse, 100 Federal Plaza, Central Islip, New York 11722, at a date and at such time as may be designated by the Court, for an order granting preliminary approval of the proposed settlement of this putative securities class action, pursuant to Federal Rule of Civil Procedure 23(e), directing that notice be sent to all Class Members and summary notice to be published, and setting a hearing for final approval. This unopposed Motion is based on the Stipulation and Agreement of Settlement and the exhibits annexed thereto, and Lead Plaintiff's Memorandum of Law in Support of Unopposed Motion for Preliminary Approval of Settlement.

DATED: February 12, 2013

Respectfully submitted,

ROBBINS GELLER RUDMAN & DOWD LLP  
SAMUEL H. RUDMAN  
ROBERT M. ROTHMAN  
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s/ Robert M. Rothman  
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